

1 Martha G. Bronitsky, SBN 127583
Chapter 13 Standing Trustee
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6 UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION

8
9 In re

10 Theya Prakashini Kanagaratnam

11
12 debtor(s)
13
14

Chapter 13 Case No. 23-40702-CN 13

11 **TRUSTEE'S UNILATERAL PREHEARING**
12 **STATEMENT FOR TRUSTEE'S OBJECTION TO**
13 **CONFIRMATION AND MOTION TO DISMISS**

14 **HEARING DATE: September 26, 2023**
15 **HEARING TIME: 1:30 pm**
16 **LOCATION: Courtroom 215 / U.S.**
Courthouse 1300 Clay St., Oakland, CA 94612
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18 Martha G Bronitsky, Chapter 13 Trustee contacted Pro Per on 7/27/2023 but telephone conference has not
19 been held due to the following: Debtor is in pro per and has filed extensive opposition to each Motion .

20 Remaining issues:
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1 The Trustee's Objection at docket 26 remains unresolved. Various schedules must be amended to include
2 correct information. The Plan is incomplete, has not been served with 28 days notice and opportunity on all
3 creditors and must propose 100% to the general unsecured creditors due to the non-exempt equity in the
4 assets.

5
6 Trustee's Motion to Dismiss for failure to provide payment advices at docket 24. Section 521 of the
7 bankruptcy code requires debtors who voluntarily file Chapter 13 to provide 60 days worth of pay stubs to
8 the Trustee to verify income. The debtor has not provided these paystubs to the Trustee.

9 Trustee's Motion to Dismiss for failure to make plan payments. No plan payment was proposed so the
10 Trustee assumed that the net excess income on Schedule J was the payment to be made. That payment is
11 \$600. The Trustee sent a payment letter, handbook, blank notice and certificate of service and a blank
12 declaration of a pro per debtor via US mail to the mailing address listed on the petition - 2316 Lakeshore
13 Ave. #16 Oakland, CA 94606 on 7/25/23. The letter explains that plan payments must be made in the form
14 of cashiers check, money order or electronically through the Nationwide TFS company. The letter also
15 explains the first payment is due 30 days after the filing of the plan and on the 20th of each month
16 thereafter. No payments have been received and no amended plan has been filed listing a plan payment.

17 Order to Turnover Tax Returns at docket 27. Section 521 of the bankruptcy code requires debtors who
18 voluntarily file Chapter 13 to turn over the most recently filed tax return to the Trustee no later than 7 days
19 prior to the date of the First Meeting of Creditors. The First Meeting was held on 7/27/23. No tax returns
20 have been received by the Trustee.

21 The Debtor's opposition to the three Motions to Dismiss accuses the Trustee of using boiler plate pleadings
22 and seems to try and shift the burden of proof for things other than the facts listed in the Motions. The
23 Debtor has voluntarily filed Chapter 13 and thus has an obligation to perform under all of the Bankruptcy
24 Code Sections applicable to her duties under Chapter 13. She has failed to do so by failing to provide her
25 paystubs and most recently filed tax returns and failing to make her plan payments. As such she is not
26 entitled to further protection under Chapter 13.

27 Date: September 20, 2023

/s/ Martha G. Bronitsky

Signature of Martha G. Bronitsky
Standing Chapter 13 Trustee

1 In re

2 Theya Prakashini Kanagaratnam
3 debtor(s)

Chapter 13 Case No. 23-40702-CN 13

4 CERTIFICATE OF SERVICE

5 I HEREBY CERTIFY that I have served a copy of the within and foregoing document on the
6 debtor (s), counsel for debtor (s), and if applicable, the creditor, creditor representatives and the
7 registered agent for the creditor by depositing it in the United States mail with first class
8 postage attached thereto.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Theya Prakashini Kanagaratnam
12 2316 Lakeshore Ave #16
13 Oakland,CA 94606

Pro Per
(Counsel for Debtor)

(Debtor(s))

14 Date: 9/20/2023

/s/ ECF only
ECF only